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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/731,020

**Applicant(s)**

MOURAD, MAGDA

**Examiner**

Fatoumata Traore

**Art Unit**

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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1. This is in response to the amendment filed on October 1, 2007. Claims 1-21, and 23-39 are currently pending and have been considered below.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Specification***

1. Applicant's arguments see pages 11-12, filed October 1, 2007, with respect to the objection of the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.

2.

### ***Response to Arguments***

3. Applicant's arguments filed October 1st, 2007 have been fully considered but they are not persuasive.

4. ***Claim 1:***

Applicant has amended the claim to recite the following limitation "***wherein the download of the authoring application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version***" which was previously cited in claim 4 and rejected by the examiner over Woo et al. The examiner respectfully proposes that the cited section is in fact applicable to the present invention. First, applicant is respectfully reminded that during patent examination, the pending claims must be given their broadest

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reasonable interpretation consistent with the specification "(Phillips v. AWH Corp, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). See MPEP 2111.

Applicant stated that Woo et al does not disclose each of the features of claim 1.

***"For example, Applicant submits that Woo at least does not disclose checking the client browser's version and downloading the DRM extension appropriate for the browser's version. As addressed under the § 103(a) rejection of original claim 4"***

The examiner respectfully disagrees with Applicant and still maintains the rejection.

Woo et al discloses in paragraph [0162] that the ***"DRM controller 141 may be downloaded and installed automatically using ActiveX control method.***

***After installing process of the DRM controller 141, the DRM controller may be checked with version number and only upgraded when a new version is released"***. Therefore, it is maintain that Woo et al meets the claimed limitation.

In fact, the court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim, to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." See MPEP 2111, In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969), and also In re Morris, 127F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir.1997).

Therefore, the examiner submits that Woo et al discloses each and every feature of claim 1 and respectfully maintains the rejection.

5. **Claim 27:**

Applicant submits that Woo does not disclose each of these features. For example, Applicant submits that Woo at least does not disclose ***a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets.***

However, upon closer review of the second reference (Bushse et al), it is submitted that the prior art of the record discloses such feature.

In response, the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention.

***“A portal server (catalog component) to permit authoring (creating) of at least one shareable content object (SCO) having one or more assets.”*** See (paragraphs [0028], [0029], [0229]).

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). MPEP 2107.03.

To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references, which were not used in the prior office action, this does not constitute new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant.

See *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

Therefore, the examiner submits that **Bushse et al** discloses each and every feature of claim 27 and respectfully maintains the rejection.

6. ***Claim 32:***

"Applicant submits that Woo does not disclose each of these features. For example, Applicant submits that Woo at least does not disclose ***Applicant submits that SCORM is a generally known collection of standards and specifications for web-based e learning. Furthermore, Applicant submits that the above-cited passage is completely silent as to ensuring conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards. Moreover, Applicant submits that Woo in its entirety is completely silent with respect to SCORM standards***"

The examiner respectfully disagrees with applicant and still maintains the rejection. In response, argument the examiner is now referring to a new portion of the prior art, in addition to the cited portion, which better explained the limitation of the claimed invention. **Wood et al** (paragraphs [0028], [0046], [0062], [0050]).

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to

react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). MPEP 2107.03.

To the extent that the response to the applicant's arguments may have mentioned new portions of the prior art references, which were not used in the prior office action, this does not constitute new ground of rejection. It is clear that the prior art reference is of record and has been considered entirely by applicant. See *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444, n.2 (CCPA 1966) and *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 267 (CCPA 1961).

Therefore, the examiner submits that Woo et al discloses each and every element feature of claim 32 and respectfully maintains the rejection.

7. **Claim 39:**

Applicant submits, ***"Additionally, although not specifically rejected under Buhse, Applicant submits that Buhse does not disclose each feature of claim 39. For example, Applicant submits that Buhse at least does not disclose a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code."***

8. In response, the examiner is now referring to the second prior art, which better explained the limitation of the claimed invention. Bushse et al (see page 1, paragraph 0006).

- i. A first computer code to compose a shareable content object (SCO) representing one or more assets (a Client Interface Component

(first computer code) accessible to clients to allow a client to set up and manage an offer of digital products for sale or subscription) (page1, paragraph [0006]);

- ii. A second computer code to assign a digital rights to the SCO to secure the one or more assets (An Offer Catalog Component (second computer code) accessible to consumers provides consumers with a listing of the products available from a client) (page1, paragraph [0006]);
- iii. A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights (An Account Management System processes consumer purchase orders, and a Rights Locker Component (third computer code) issues purchased products and associated intellectual property rights (if needed) to consumers (page 1, paragraph [0006])).
- iv. A fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer (An Order Management System (fourth computer code) coordinates cataloging, the management of accounts and the delivery of products)(page 1, paragraph [0006])).

Therefore, the examiner submits that **Bushse et al** discloses each and every element feature of claim 39 and respectfully maintains the rejection.

**9. Claim 17:**



Applicant submits "Initially, Applicant notes that in rejecting claim 17, the Examiner did not address all of the features of claim 17. That is, in the instant action the Examiner did not address the feature of "logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role," in the rejection of claim 17. Accordingly, Applicant submits that the Examiner has not set forth a prima facie case of anticipation.

Additionally, Applicant notes that the Examiner has addressed claim 17 in the Response to Arguments section. However, in addressing claim 17 in the Response to Arguments section, the Examiner did not address each of the features of claim 17. That is, the Examiner did not address the feature of **"updating an on,line electronic store (e-Store) with the one or more SCOs."** Accordingly, Applicant submits that the Examiner has not set forth a prima facie case of anticipation"

The examiner respectfully disagrees with the applicant and still maintains the rejection.

In response, the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention

Updating an on-line electronic store (e-Store) with the one or more SCOs (**a client application packages application digital content through automated packaging component, and the system updates the catalog. The catalog is distributed to the retailer network** (page 2, paragraph [0035]);

Applicant further submits "Moreover, as set forth above, paragraph [0084] of Buhse discloses that an AMC, which is part of the Automated Packaging Component (APC), processes operations for creating custom subscription plans based on business rules. However, Applicant submits that creating custom subscription plans does not constitute a common interface personalized to a user's profile and role, as recited in claim 17. That is, custom subscription plans are not an interface for a portal server that allows a user to perform any of the steps of claim 17.

Moreover, as set forth above, Applicant submits that Buhse does not disclose logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role"

In response, the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention (see paragraphs [0032], [0231]).

Therefore, the examiner submits that Bushse et al discloses each and every element feature of claim 17 and respectfully maintains the rejection.

**10. Claim 38:**

"Applicant submits that claims 4, 37 and 38 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should be in condition for allowance based upon their dependencies.

Additionally, with respect to claim 38, Applicant submits that Woo does not teach or suggest each feature of the claim. Claim 38 recites, in pertinent part:

•.. wherein the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files"

The examiner respectfully disagrees with the applicant and still maintains the rejection and refers applicant back to cited paragraph [00161]).

Therefore 4, 37, and 38 are not in condition for allowance and in addition the examiner submits that **Woo et al** discloses the above feature of claim 38 and respectfully maintains the rejection.

**11. Claim 35:**

Applicant submits, "The Examiner asserts that Buhse discloses the securxty manager component at paragraph [0029]. Specifically, the Examiner asserts that this feature is taught or suggested by the passage "the client interface component accessible by clients, allow each client to set up and manage its offer of digital products for sale or subscription." However, Applicant submits that the cited passage is silent with respect to providing secure communications with client stations and an electronic store. Therefore, Applicant submits that Buhse does not teach or suggest the security manager component"

In response, the examiner is now referring to a new portion of the prior art, which better explained the limitation of the claimed invention see paragraphs [0038], [0035], [0230]

***The system may also include a modular software automatic packaging component (APC) for packaging digital products for transmission to***

***consumers by providing the products with digital rights management encryption (secure communication)***

Therefore 6-8, 11-14, 29, 31, 35 and 36 are not in condition for allowance and in addition the examiner submits that Bushse discloses the above feature as recited in claim 35 and respectfully maintains the rejection.

12. Claims 4, 6-8, 11-14, 18-20, 23, 25, 26, 29, 31, 35-38. The examiner maintains the rejection based on the same rational as applied to independent claims 1, 17, 27, and 32.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-3, 5, 9,10, 15,16, 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Woo et al (US 2005/0086501).

***Claim 1:*** Woo et al discloses a digital content information protection system comprising:

- i. Accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application (the purpose

of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1);

ii. Composing a shareable content object (SCO) representing one or more assets using the authoring application (the digital content in this invention is a digital file including such as movie, sound, image, software, game, online education, etc) (page 1, paragraph 1);

iii. Assigning a digital rights to the SCO to secure the one or more assets (the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1); and

iv. Individually controlling access to the SCO and the one or more assets by utilizing the assigned digital rights to the SCO or the one or more assets (the invention suggest a drastic prevention method of copy right infringement such as illegal copy and unauthorized distribution of digital content) (page 1, paragraph 1).

v. Wherein the download of the authoring application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version (DRM is downloaded and installed automatically using active x control method. After the installation process,

the DRM controller is checked with version number and upgraded if appropriate) (page 9, paragraph [0161]).

**Claim 2:** Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the accessing step includes: accessing an on-line portal server to obtain registration information; and registering as an author of learning objects (providing means for holding the encrypted content package and providing the encrypted content package to users online) (page 3, paragraphs [0031], [0079], [0080], [0084]).

**Claim 3:** Woo et al discloses a digital content information protection system as in claim 2 above, and further discloses that the registration step includes receiving a registration confirmation that includes at least one of a user-id, a password, a login uniform resource locator (URL) and a universal resource identifier (URI) (the user authentication of ID and password is needed to connect with digital right management server (page 8, paragraph 157 and 163).

**Claim 5:** Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the assigning step includes:

- i. Logging on to a digital packager (DRM controller 141 in user mode executes several operations such as an access permission inspection, authentication of user and client system's hardware, inspection of license and usage rights, receiving of decryption key, activation and control of network filter driver 404, etc) (paragraphs [0046], [0184]);

ii. Uploading a package containing the SCO and a metadata file (the encrypting and uploading step of converting original contents into encrypted content package using one or more encryption keys of a DRM server and uploading the encrypted content package to content server (page 6, paragraph [0104]); and

iii. Triggering a digital rights management (DRM) packager to assign digital rights to at least one of the SCO and the one or more assets and the package (the initiating and connecting step of connecting the client system to the content server and initiating downloading service by a user selecting contents in a web or ftp server) (page 6, paragraph [0105], [0149]).

**Claim 9:** Woo et al discloses a digital content information system as in claim 1 above, and further comprising:

i. Assigning digital rights to the one or more assets a (a DRM sever component for managing generation of encryption keys and issuance of license) (page 3, paragraph [0041]) and;

ii. Encrypting at least one of the SCO and one or more assets (encryption means for encrypting original contents using one or more encryption keys and generating content package (page 3, paragraph [0030])).

**Claim 10:** Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the assigning digital rights step

assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights (the content packager requesting and obtaining one or more encryption keys from the DRM server (page 5, paragraph [0069])).

**Claim 15:** Woo et al discloses a digital content information system as in claim 1 above, and further discloses that in the composing step the one or more assets include at least one of a video asset, a text asset, a music asset, and a learning asset (the digital content in this invention is a digital file including such as movie, sound, image, software, game, online education, etc) (page1, paragraph 1).

**Claim 16:** Woo et al discloses a digital content information protection system as in claim 1 above, further comprising packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights (in a preferred embodiment, encrypted content package comprises at least a data object portion that are encrypted contents and a header object portion hat are non-encrypted meta data) (page 4, paragraph 54).

**Claim 32:** Woo et al discloses a digital content information protection system comprising:

- i. A secure uploading service capable of receiving unprotected digital content having one or more parts, associated metadata, and one or more promotional materials (encrypting and uploading step of converting



original contents into encrypted content package using one or more encrypting keys of a DRM sever and uploading the encrypted content package to a content server (page 6, paragraph 104);

ii. An automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction (the network filter driver uses a transmission control protocol or user diagram protocol additionally having a function of correcting received data (page 4, paragraph 50); and

iii. A digital rights generation layer having one or more components adapted to provide a web-based interface for specifying different rights to the one or more parts for providing protected digital content (the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1).

**Claim 33:** Woo et al discloses a digital content information protection system as in claim 32 above, further discloses a means for generating digital rights files and associating the digital rights files with the digital content by embedding links into a metadata right field within corresponding metadata files (a DRM sever component for managing generation of the encryption keys and issuance of license (page 3, paragraph [0041]).

**Claim 34:** Woo et al discloses a digital content information protection system as in claim 33 above, further comprising a transparent web service for automatically encrypting the protected digital content and the rights files, wherein the digital rights generation layer provides content protection services (encryption means for encrypting original contents using one or more encryption keys (page 3, paragraph 30)).

15. Claims 17-20, 23, 25-27, 31 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Bushe et al (US 2004/0024652).

**Claim 17:** Buhse et al discloses a system for distributing digital products subject to intellectual property right comprising:

- i. Creating a package containing one or more shareable content objects (SCOs) (catalog component) (page 2, paragraph [0028]);
- ii. Assigning digital rights management (DRM) to the one or more SCOs (the order management system use right locker component to provide intellectual property rights and security feature (page 2, paragraph [0037]));
- iii. Updating an on-line electronic store (e-Store) with the one or more SCOs (a client application packages application digital content through automated packaging component, and the system updates the catalog.

The catalog is distributed to the retailer network (page 2, paragraph [0035]);

iv. Making the one or more SCOs available for searching and downloading at a client, wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable (The client interface component accessible by clients allows each client to set up and manage its offer of digital products for sale. The offer catalog provides customers with a listing of digital products available from each client) (page 2, paragraph [0029]); and

v. Logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role (Subscription management operations are processed through AMC. These operations allow a client (affiliate) to create custom subscription plans based on their own business rules) (paragraphs [0034] and [0084]).

**Claim 18:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the step of creating a package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package (the system provides a complete solution for

account management, packaging, catalog aggregation and content management, rights locker and complete reporting (page 2, paragraph 38).

**Claim 19:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the package is uploaded in a compressed format and place in digital container (the automated Package Component consist of an overall framework (page 9, paragraph 201).

**Claim 20:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the step of storing the package in a learning objects repository for later retrieval by an on-line learning management system when the one or more SCOs is at least one of searched and accessed (The Rights Locker Component (RLC) record consumer preferences. The information provided by the retailer is then recorded in the RLC. A fuzzy logic matching capable in conjunction with catalog searches make helpful product suggestion and help direct the consumer. A central play list allows consumers to access to their personal play list from any device) (page7, paragraph 160).

**Claim 23:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further comprising:

- i. Logging onto an electronic store (e-store) to access the one or more SCOs (the catalog can be sent via FTP under distributor accounts with login/password protection) (page 5, paragraph 104); and

- ii. Generating promotional material (fig 2 illustrates a promotional scenario wherein a consumer receives a digital product at no cost in exchange for leaving valuable user information (page 4, paragraph 64);
- iii. And supplying parameters indicating at least one of: a package ID, whether each of the SCOs is encrypted, whether the one or more SCOs are to be delivered via on-line or off-line mode, whether the package is a course or SCO, a license server address, content manager address, and whether the promotional contents are packaged into a secure container (the offer catalog component accessible by customers provide customer with a listing of the digital products available from each client) (page 2, paragraph 29).

**Claim 25:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further comprising:

- i. Extracting information including thumbnail promotional material from a content aggregation (CA) file (the offer catalog component (OCC) maintains the content catalog database that contains product and offer information for supported digital content. The OCC also provides information about the product content. The OCC can work with 3<sup>rd</sup> party providers of promotional catalog and facilitate their integration to provide update digital catalogs (page 5, paragraph 102);
- ii. Ingesting the one or more SCOs and CA file into a catalog using the information (a client application packages application digital content

through automated packaging component, and the system updates the catalog. The catalog is distributed to the retailer network (page 2, paragraph 35);

iii. And storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs, wherein the thumbnail promotional material and one or more SCOs are searchable (The client interface component accessible by clients allows each client to set up and manage its offer of digital products for sale. The offer catalog provides customers with a listing of digital products available from each client) (page 2, paragraph 29).

**Claim 26:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, and further discloses that the one or more assets are at least one of a video asset, a text asset, a music asset, and a learning asset (the store information include products purchased and rights granted (burn-to-cd, download to pd) (page 7, paragraph 157).

**Claim 27:** Buhse et al discloses a system for distributing digital products subject to intellectual property right comprising:

- i. A portal server to permit authoring of at least one shareable content object (SCO) having one or more assets (catalog component) (page 2, paragraphs [0028], [0029], [0229]);
- ii. A digital rights management (DRM) content packager accessible via the portal server which assigns digital rights to the at least one

shareable content object (SCO) (The Automated Packaging Component (APC) 106, packages a digital product for shipment (transmission) by encrypting it with any known digital rights management technology. The product can be made available to a customer via a file sharing system 109) (paragraphs [0033], [0037], [0229], [0236]; Fig. 8B);

iii. A DRM license server which assigns license criteria to the at least one SCO and the one or more assets (the rights Locker Component (RCL) has the ability to handle multiple copies for a consumer, allow the registration of multiple devices by a consumer and administer volume licensing for tracking the usage of multiple consumer) (paragraphs [0033], [0229]); and

iv. A content manager which stores or retrieves the at least one SCO and the one or more assets (The Order Management System (OMS) 105, is essentially an event driven command processor that manages the entire application. External communications 108 to the application are routed through OMS 105 to the appropriate functional module. OMS 105 reacts to requests from both external and internal interfaces) (page 3, paragraphs [0034], [00229]).

**Claim 31:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 27 above, and further discloses that the at least one SCO is packaged into a digital container, and wherein the each of the at least one SCO and each of the one or more assets is associated with a price

controlled by DRM (the offer catalog component include retailer catalog uploads, consumer request for product) (paragraphs [0036], [0106], [0210]).

**Claim 39:** Buhse et al discloses a system for distributing digital products subject to intellectual property right comprising:

- i. A first computer code to compose a shareable content object (SCO) representing one or more assets (a Client Interface Component (first computer code) accessible to clients to allow a client to set up and manage an offer of digital products for sale or subscription) (page1, paragraph [0006]);
- ii. A second computer code to assign a digital rights to the SCO to secure the one or more assets (An Offer Catalog Component (second computer code) accessible to consumers provides consumers with a listing of the products available from a client) (page1, paragraph [0006]);
- iii. A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights (An Account Management System processes consumer purchase orders, and a Rights Locker Component (first computer code) issues purchased products and associated intellectual property rights (if needed) to consumers (page 1, paragraph [0006]).
- iv. A fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or



downloading the first computer (An Order Management System (fourth computer code) coordinates cataloging, the management of accounts and the delivery of products)(page 1, paragraph [0006]).

16. Claims 4, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo et al (US 2005/0086501).

**Claim 4:** Woo et al discloses a digital content information protection system as in claim 1 above, and further discloses that the download of the authoring application includes:

- i. Accessing an application to create SCO rights metadata and promotional material (the purpose of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1);
- ii. And generating a public key pair for the client for encryption purposes and sending a private key to the client, wherein the accessing the application to create SCO rights metadata occurs through one of a web based remote access and a download the application (DRM server generates an encryption key with random size using a pseudorandom number algorithm (page 8, paragraph 158).

Examiner considers it immaterial as to which encryption technique was used to encrypt data. It would have been obvious to one having ordinary skill in the art at

the time of the invention made that the information content protection system use an asymmetric encryption. One would have been motivated to do so in order to increase data integrity.

**Claim 37:** Woo et al discloses a digital content information protection system as in claim 32 above, and further discloses that the rights generation layer has a public-key certificate by a certificate authority indicating that all the components are trusted. (DRM server generates an encryption key with random size using a pseudorandom number algorithm (page 8, paragraph 158). Examiner considers it immaterial as to which encryption technique was used to encrypt data. It would have been obvious to one having ordinary skill in the art at the time of the invention made that the digital content protection system use an asymmetric encryption. One would have been motivated to do so in order to increase data integrity.

**Claim 38:** Woo et al discloses a digital content information protection system as in claim 32 above, and further discloses that the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files. (DRM is downloaded and installed automatically using active x control method. After the installation process, the DRM controller is checked with version number and upgraded if appropriate) (page 9, paragraph 162). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a version control

feature. One would have been motivated to do so in order to facilitate the use of DRM software.

17. Claims 6, 7, 8, 11-14, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo et al (US 2005/0086501) in view of Buhse et al (US 2004/0024652).

**Claim 6:** Woo et al discloses a digital content information protection system as in claim 5 above, but does not disclose that the triggering step includes assigning a price level to one of the SCO and the one or more assets controlled by the assigned digital rights. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right, and further discloses that one of the triggering step is checking out the product after providing payment information (page 3, paragraph 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the price as a triggering step. One would have been motivated to include the price in order to facilitate the transaction.

**Claim 7:** Woo et al discloses a digital content information protection system as in claim 5 above, but does not disclose that parsing the package to extract structure and titles; and assigning a package ID with a package name to the SCO. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right, and further comprising: parsing the package to extract structure and titles; and assigning a package ID with a package name to the SCO (the offer catalog component (OCC) maintains the

content catalog database that contains product and offer information for supported digital content. The OCC also provides information about the product content. The OCC can work with 3<sup>rd</sup> party providers of promotional catalog and facilitate their integration to provide update digital catalogs (page 5, paragraph 102). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to assign an ID to the package. One would have been motivated to do so in order to maintain data integrity.

**Claim 8:** Woo et al discloses a digital content information protection system as in claim 1 above, but does not disclose generating promotional material and thumbnail for use in an electronic store (eStore) to provide searching and discovery capability, and storing the promotional material and the SCO in an on-line catalog. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that further discloses generating promotional material and thumbnail for use in an electronic store (eStore) to provide searching and discovery capability (a fuzzy logic matching capability in conjunction with catalog searches makes helpful product suggestions) (page 7, paragraph 160); and storing the promotional material and the SCO in an on-line catalog (the offer catalog component (OCC) maintains the content catalog database that contains product and offer information for supported digital content. The OCC also provides information about the product content. The OCC can work with 3<sup>rd</sup> party providers of promotional catalog and facilitate their integration to provide update digital catalogs (page 5, paragraph

102). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to generate promotional material for use in eStore. One would have been motivated to do so for advertising purpose.

**Claim 11:** Woo et al discloses a digital content information protection system as in claim 5 above, but does not disclose the step of placing the SCO, the metadata file and a promotional file into a digital container. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that further discloses that the system provides a complete solution for account management, packaging, catalog aggregation and content management (page 2, paragraph 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the product into a digital container. One would have been motivated to do in order to maintain data integrity.

**Claim 12:** Woo et al and Buhse et al disclose a digital content information protection system as in claim 11 above, and Woo et al further discloses that the placing step includes at least one of assigning digital rights to the SCO and encrypting the one or more assets using randomly generated symmetric keys of the associated SCO (DRM server generates an encryption key using Pseudorandom number algorithm (page 8 paragraph 158). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to use randomly generated symmetric keys encryption. One would have been motivated to do so in order to increase data integrity.

**Claim 13:** Woo et al and Buhse et al disclose a digital content information protection system as in claim 12 above, and Woo et al further discloses that the digital rights include at least one of price, user identity, and length of use (usage rights including at least a count of use and a period of use of the contents and terminal restriction information) (page 4, paragraph 61). It would have been obvious to one having ordinary skill in the art at the time of the invention to include usage rights conditions. One would have been motivated to do so in order to build up the copyright protection and proper distribution.

**Claim 14:** Woo et al and Buhse et al disclose a digital content information protection system as in claim 12 above, and Woo et al further includes a step of placing the randomly generated symmetric keys in the metadata file, and encrypting the metadata file with a public key (encryption means for encrypting original contents using one or more encryption keys and generating a content package (page 3, paragraph 30). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use an asymmetric encryption. One would have been motivated to do so in order to build up the copyright protection and proper distribution.

**Claim 35:** Woo et al discloses a digital content information protection system as in claim 32 above, but does not disclose a security manager component and a content repository component. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right, and further discloses a security manager component adapted to provide secure

communications with client stations and an electronic store (the client interface component accessible by clients, allow each client to set up and manage its offer of digital products for sale or subscription (page 2, paragraphs [0029] [0038], [0035], [0230]); and a content repository component, which prevents any input/output operation, that creates a rights violation when the protected digital content is stored (offer catalog component sends product IDS to the system as well as confirming whether or not a product is part of a subscription plan (page 2, paragraphs [0031], [0038], [0035], [0230])). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a security manager component and a content repository component. One would have been motivated to do so in order to increase data integrity.

**Claim 36:** Woo et al discloses a digital content information protection system as in claim 32 above, but does not disclose a means for providing catalog creation services. However, Buhse et al discloses a similar system for distributing digital products subject to intellectual property right that discloses a means for providing catalog creation services, and further includes invoking web services with a trusted electronic store to create a catalog entry of the protected digital content and any associated promotional material (applicant system provide each client with a virtual store such as a branded website. The system store the client digital products, provide a virtual catalog of the client products (page 2, paragraph 28). Therefore, It would have been obvious to one having ordinary skill in the art at

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the time of the invention was made to include a catalog creation means. One would have been motivated to do so in order to increase sale of digital products.

18. Claims 21, 24, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhse et al (US 2004/0024652) in view of Woo et al (US 2005/0086501).

**Claim 21:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, but does not disclose that assigning DRM include a price information and access limitation. However, Woo et al discloses a similar digital content information protection system, and further discloses that assigning DRM step to the one or more SCOs include assigning a price to each of the one or more SCOs and at least one of the one or more assets, and the assigning the DRM step causes limitation of access to the one or more SCOs by user identity, price, or type of asset (usage rights including at least a count of use and a period of use of the contents and terminal restriction information) (page 4, paragraph 61). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include an access limitation. One would have been motivated to do so in order to build up the copyright protection and proper distribution.

**Claim 24:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 17 above, but does not disclose assigning symmetric key and encrypting each one or more of the SCOs. However, Woo et al discloses a similar digital content information protection system, which further



comprises a step of assigning symmetric keys to each one or more SCOs and encrypting each one or more SCOs with the symmetric keys (DRM server generates an encryption key with random size using a pseudorandom number algorithm (page 8, paragraph 158). Examiner considers it immaterial as to which encryption technique was used to encrypt data. It would have been obvious to one having ordinary skill in the art at the time of the invention to use an asymmetric encryption. One would have been motivated to do so in order to increase data integrity.

**Claim 28:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 27 above, and further discloses that the portal server provides a common interface personalized to a user's profile and role (right locker component record consumer preference (page 7, paragraph 160) (and user interface provide customer care interface, customer profiling, recommendations and personalization (page3, paragraph 32). But does not explicitly disclose that the portal server facilitates at least one of: accessing a web base authoring application for creating the at least one SCO the purpose of this invention supposes a method and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network. However, Woo et al discloses a digital content information protection system, which further discloses that the portal server facilitates at least one of: accessing a web base authoring application for creating the at least one SCO the purpose of this invention supposes a method

and system to facilitate the information protection of digital content transferred by streaming and download service through wire or wireless internet network (page 1, paragraph 1), and downloading of an client authoring application for creating the at least one SCO (the present invention suggest a new content service of streaming and download method to support an encryption, distribution, and decryption of content and to allow a proper content usage (page 1, paragraph 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention facilitate accessing and creating the at least one SCO. One would have been motivated to do so in order to allow consumer easy access to their personal digital products.

**Claim 29:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 27 above, and further discloses that the DRM content parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material (Offer catalog component sends product IDS to the system as well as confirming whether or not a product is part of a subscription plan (page 2, paragraph 31). But does not explicitly discloses that the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository. However, Woo et al discloses a digital content information protection system, which further discloses that the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with

a content manager loader for storing the at least one SCO in a learning objects repository (the encrypting and uploading step of converting original content into encrypted content package using one or more encryption keys of DRM sever and uploading the encrypted content package to a content sever ( page 4, paragraph 63), but does not discloses that the DRM content parses the package to extract structure and titles of the package, the package containing the at least one SCO and promotional material. Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a step of uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository. One would have been motivated to do so in order to increase data integrity.

**Claim 30:** Buhse et al discloses a system for distributing digital products subject to intellectual property right as in claim 27 above, but does not explicitly disclose that in the composing step the one or more assets include at least one of a video asset, a text asset, a music asset, and a learning asset. However, Woo et al discloses a similar digital content information protection system, which further discloses that in the composing step the one or more assets include at least one of a video asset, a text asset, a music asset, and a learning asset (the digital content in this invention is a digital file including such as movie, sound, image, software, game, online education, etc) (page1, paragraph 1).

### ***Conclusion***

**19. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

FT  
Wednesday October 17th, 2007

Nassar G. Moazzami  
Supervisory Patent Examiner

  
10/18/07